

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

RICARDO R. GARCIA, DUANE K.)
GLOVER, PAUL E. JACOBSON,) Case No.: 1:19-cv-00331-LO-MSN
GAETANO CALISE, MYKHAYLO I.)
HOLOVATYUK, BRIAN GARCIA, PAUL)
THOMSON and DAVID HARTMAN on)
behalf of themselves and all others similarly)
situated,)
)
)
Plaintiffs,)
)
)
v.)
)
)
VOLKSWAGEN GROUP OF AMERICA,)
INC. a/k/a AUDI OF AMERICA, INC., and)
VOLKSWAGEN A.G.)
)
)
Defendants.)

DECLARATION OF MICHAEL J. MELKERSEN

Michael J. Melkersen, counsel to Plaintiffs in the above-styled action, under penalties of perjury, and in support of the Plaintiffs’ Motion to Compel Defendant Volkswagen Group of America, Inc.’s (“VWGOA’s”) Discovery Responses and Document Production, submits the following declaration:

1. I am a member in good standing of the Virginia State Bar and the Maryland State Bar. I am over the age of 18 years old. I have knowledge of the facts set forth in this Declaration, all of which are true and correct to the best of my knowledge and belief.

2. I am counsel of record for Plaintiffs and have been appointed Interim Class Counsel by the Court in this action.

3. Attached hereto as Exhibit A is a true and correct copy of correspondence I sent to counsel for Defendants on November 3, 2020 pertaining to discovery matters in this action, which is being filed under seal pursuant to the Stipulated Protective Order (Dkt. 131).

4. Counsel for Plaintiffs, including myself, and Counsel for Defendants held meet and confer discussions on the proposed discovery document search term strings and other discovery matters raised therein on December 14, 2020 and February 2, 2021, and thereafter continued to discuss these matters through email correspondence.

5. Attached hereto as Exhibit B is a true and correct copy of Plaintiffs' proposed discovery document search term strings proposed on February 10, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

6. Attached hereto as Exhibit C is a true and correct copy of Defendant VWGOA's counter-proposed discovery document search term strings proposed February 17, 2021, which is being filed under seal pursuant to the Stipulated Protective Order.

7. Attached hereto as Exhibit D is a true and correct copy of a National Highway Traffic and Safety Administration ("NHTSA") Notice of Recall, No. 20V561, to owners of certain Volkswagen-branded vehicles in the United States.

8. Attached hereto as Exhibit E is a true and correct copy of correspondence of counsel for Defendants dated November 25, 2020 pertaining to discovery matters in this action.

9. Attached hereto as Exhibit F is a true and correct copy of correspondence I sent to counsel for Defendants dated December 8, 2020 pertaining to discovery matters in this action, which is being filed under seal pursuant to the Stipulated Protective Order.

10. Attached hereto as Exhibit G is a true and correct copy of correspondence I sent to counsel for Defendants dated February 3, 2021 pertaining to discovery matters in this action, which is being filed under seal pursuant to the Stipulated Protective Order.

11. Attached hereto as Exhibit H is a true and correct copy of correspondence of counsel for Defendants dated December 18, 2020 pertaining to discovery matters in this action.

12. Attached hereto as Exhibit I is a true and correct copy of correspondence of counsel for Defendants dated February 5, 2021 pertaining to discovery matters in this action.

13. The correspondence in Exhibit I refers to discovery matters disputed between Plaintiffs and Defendant VWGOA that counsel for the parties addressed in meet and confer discussions on December 14, 2020 and/or on February 2, 2021.

14. Attached hereto as Exhibit J is a true and correct copy of Defendant VWGOA's Exhibit A to Amended and Supplemental Responses and Objections to Plaintiff Ricardo R. Garcia's First Set of Interrogatories, which is being filed under seal pursuant to the Stipulated Protective Order.

15. Attached hereto as Exhibit K is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00461809-812, which is being filed under seal pursuant to the Stipulated Protective Order.

16. Attached hereto as Exhibit L is a true and correct copy of a discovery document produced by Defendant VWGOA and marked as VWGoA-Garcia-00461813-817, which is being filed under seal pursuant to the Stipulated Protective Order.

17. Attached hereto as Exhibit M is a true and correct copy of correspondence I sent to counsel for Defendants dated December 21, 2020 pertaining to a discovery matter in this action.

18. Attached hereto as Exhibit N is a true and correct copy of correspondence I sent to counsel for Defendants dated January 14, 2021 pertaining to a discovery matter in this action.

19. Attached hereto as Exhibit O is a true and correct copy of Defendant VWGOA's Responses and Objections to Plaintiff Duane K. Glover's First Set of Interrogatories, which were served on January 7, 2021.

20. Attached hereto as Exhibit P is a true and correct copy of a discovery document produced by Defendant Volkswagen Aktiengesellschaft and marked as VWAG-GARCIA-00000444-490, which is being filed under seal pursuant to the Stipulated Protective Order.

Respectfully submitted this the 18th day of February 2021.

/s/ Michael J. Melkersen

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CERTIFICATE OF SERVICE

I, Michael J. Melkersen, hereby certify that on this date I served a true and correct copy of the foregoing *Declaration* upon counsel of record for Defendants by filing via the Court's Electronic Case Filing (ECF) system.

Dated: February 18, 2021

/s/ Michael J. Melkersen
Michael J. Melkersen